



July 21, 2023

VIA ECF

The Honorable John G. Koeltl
United States District Court
Southern District of New York
500 Pearl Street, 14A
New York, NY 10007-1312

Re: *Kunstler, Hrbek, Goetz and Glass v. The Central Intelligence Agency, Pompeo, Morales and Undercover Global S.L., 22 Cv. 6913*

Dear Judge Koeltl:

We represent plaintiffs Kunstler, Hrbek, Goetz and Glass (collectively, “Plaintiffs”) in this action against the Central Intelligence Agency (“CIA”), Mike Pompeo (“Pompeo”), Undercover Global, S.L. (“UC Global”) and David Morales Guillen (“Morales”) (UC Global and Morales are referred to herein as the “Spanish Defendants”). We are writing to inform the Court that on July 14, 2023, FedEx returned an envelope to our office that was addressed to UC Global containing the Order at Docket No. 39 as undelivered. Three days later on July 17, 2023, FedEx returned another envelope to our office that was addressed to Morales containing Orders issued in this case Docket Nos. 21, 30 as undelivered.

The Spanish Defendants Failed to Respond to the Complaint

On November 29, 2022, UC Global and Morales (collectively, the “Spanish Defendants”) filed a response to the Complaint that the Court could not determine whether it was a motion to dismiss or an Answer. Dkt. No. 21. Further, the Court noted that the attorney who provided the response did not file a notice of appearance in the action. Dkt. No. 21. On December 8, 2022 and February 21, 2023, the Court issued Orders at Dkt. Nos. 21 and 30 directing the Spanish Defendants to submit a letter indicating whether the response to the Complaint was intended as a motion or an answer, and for the Spanish Defendants’ counsel to file a notice of appearance. On February 21, 2023, Plaintiffs were ordered to serve a copy of the Orders at Dkt. Nos. 21 and 30 on the Spanish Defendants which Plaintiffs did by FedEx International Priority and Plaintiffs filed an affidavit of service confirming the same. Dkt. No. 31. The Spanish Defendants never responded to these Orders.

On June 21, 2023, the Court issued an Order that granted Plaintiffs permission to file an order to show cause for a default judgment against defendant Undercover Global, S.L. (“June 21, 2023 Order”) and directed Plaintiffs to serve a copy of the June 21, 2023 Order on the Spanish Defendants. Dkt. No. 39. Plaintiffs served the June 21, 2023 Order on these Defendants at the

The Honorable John Koeltl

July 21, 2023

Page 2 of 2

same addresses used to serve the Summons and Complaint in this action (by Fedex International Priority) and filed an affidavit of service on June 27, 2023. Dkt. No. 40.

FedEx Returned Envelopes Containing Orders as Undelivered

On July 14, 2023, Fedex returned Plaintiffs FedEx envelope containing the June 21, 2023 Order (Dkt. No. 39) addressed for service on UC Global as undelivered.

On July 17, 2023, FedEx returned Plaintiffs' envelope addressed to Morales that was originally served on March 1, 2023 (Dkt No. 31) containing Orders at Dkt. Nos. 21 and 30 directing Morales to submit a letter indicating whether his response to the Complaint was intended as a motion or an answer, and for the Spanish Defendants' counsel to file a notice of appearance.

We have confirmed that notwithstanding the return of these FedEx envelopes, the Summons and Complaint were delivered to the Spanish Defendants through FedEx tracking, and the Spanish Defendants filed a response to the Complaint. Dkt. No. 21. Plaintiffs served the Order to Show Cause for a Default Judgment on the Spanish Defendants at the same address used for the Summons and Complaint. Dkt. No. 57. Plaintiffs want the Court to be aware of this issue before the Court considers granting a Default Judgment against UC Global.

We thank the Court for its attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'R. Roth', with a long horizontal flourish extending to the right.

Richard A. Roth, Esq.